

EXHIBIT 13

THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

In the Matter of:)
) File No. C-07826-A
JAMMIN JAVA CORP.)

WITNESS: Patrick R. Mokros

PAGES: 1 through 187

PLACE: Securities and Exchange Commission
175 West Jackson Boulevard, Suite 900
Chicago, Illinois 60604

DATE: Thursday, February 12, 2015

The above-entitled matter came on for hearing,
pursuant to notice, at 11:40 a.m.

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PROCEEDINGS

(SEC Exhibit No. JAMN 65 was marked for identification.)

MR. HELMS: Let's go on the record at 11:40 a.m. on February 12, 2015.

Whereupon,

PATRICK R. MOKROS

was called as a witness and, having been first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. HELMS:

Q Could you please state and spell your name, full name for the record.

A Patrick Mokros. P-a-t-r-i-c-k M-o-k-r-o-s.

Q Do you have a middle name?

A Richard.

Q Is it spelled normally, R-i-c-h-a-r-d?

A Yes.

Q Have you been known by any other names?

A No.

Q My name is Paul Helms. I'm a member of the staff of the enforcement division in the Chicago Regional Office of the United States Securities and Exchange Commission, and for purposes of this proceeding I'm also an officer of the Commission.

1 right, with respect to the restricted shares?
 2 A Yes.
 3 **Q And then the Outstanding Balance?**
 4 A The outstanding balance is the total number of
 5 shares of this series of stock outstanding as of the
 6 transaction date.
 7 **Q Okay. I want to walk through a couple of**
 8 **these. The Reason column, a couple of these entrees here.**
 9 **What is -- I think we know what a new issue is. What is**
 10 **an incremental split? What does that mean?**
 11 A An incremental split is a stock split.
 12 **Q Can that be forward or reverse or is there a**
 13 **separate designation when it is forward or reverse?**
 14 A I'm not sure how StockTrack labels the
 15 difference between a forward or a reverse split.
 16 **Q Okay. Treasury Transfer, what is that?**
 17 A A Treasury transfer -- again, with migrating
 18 software I'm not exactly sure how things are handled as
 19 far as the meaning of Treasury Transfer at this point.
 20 At some point a Treasury transfer was a cancellation of
 21 shares that were issued and outstanding, returned to the
 22 authorized but unissued.
 23 **Q Today is it something different?**
 24 A I don't know.
 25 **Q How about a transfer without the Treasury on**

1 10/19/2006. Then there are a series of documents behind
 2 that including share certificates, correspondence, and
 3 other materials.
 4 **All right. Have you had an opportunity to kind**
 5 **of glance over this document?**
 6 A Glance, yes.
 7 **Q Do you recognize this compilation? What is**
 8 **this?**
 9 A This is a transmittal package. Internally we
 10 would refer to this as the transfer package.
 11 **Q Transfer package.**
 12 A Which is more internal lingo because this is
 13 not a transfer, this is -- this particular package
 14 represents an issuance.
 15 **Q Okay. And sometimes I'm heard these referred**
 16 **to as transaction files. Does that sound familiar to**
 17 **you?**
 18 A Everyone at Empire would understand what you
 19 were asking for if that is the terminology that you used.
 20 **Q Okay. I'll try to use "transfer package." I**
 21 **might slip into "transaction file" just as we go through.**
 22 **I have several of those here. I'm not necessarily going**
 23 **to go through this with each one, but first I want to**
 24 **understand how transfer packages get created. What is**
 25 **the standard -- if there is a standard, what is the**

1 it?
 2 A A transfer as it appears on this report?
 3 **Q Yeah. I'm just trying to get a feel for what**
 4 **that might mean. So under August 31, 2012, do you see**
 5 **that line, there is transfer there. I'm just trying to**
 6 **figure out what that might mean. Looks, for example,**
 7 **like here there is a free trading change, counterbalanced**
 8 **by a restricted change in this particular issuance. I'm**
 9 **just trying to see what transfer means to you on a report**
 10 **like this.**
 11 A In reading the 8/31/12 line that you reference,
 12 it appears as though this was a legend removal, the
 13 removal of restriction on a certificate.
 14 **Q Could transfer designate other things in the**
 15 **system?**
 16 A In the system, yes.
 17 **Q All right.**
 18 MR. HELMS: Let me show you a document I'm
 19 marking JAMN 68.
 20 (SEC Exhibit No. JAMN 68 was marked
 21 for identification.)
 22 BY MR. HELMS:
 23 **Q So this is -- it's actually kind of a**
 24 **compendium of documents. The first page of which is**
 25 **labeled Global Electronic Recovery Corp., and the date is**

1 standard approach to putting these together at Empire?
 2 A If there is any change to the master
 3 shareholder file, it will be evidenced -- that's not
 4 entirely accurate either.
 5 If there is a transfer, an issuance, a split, a
 6 transfer package is generated. Also a cancellation of
 7 shares would also generate a transfer package.
 8 **Q Okay. Well, let's go back to look at 66,**
 9 **Exhibit 66. Do you see on the first page it says**
 10 **Transaction No. 5912?**
 11 A Yes.
 12 **Q So for each of those transaction numbers does**
 13 **Empire generate a transfer package or transaction file?**
 14 **We can go with typically for right now.**
 15 A Typically, yes.
 16 **Q Okay. So for each of the transactions that we**
 17 **see on the transaction journal, usually there is going to**
 18 **be a transfer package associated with that; is that**
 19 **right?**
 20 A Yes.
 21 **Q What I tend to see is there usually is a cover**
 22 **page on each of the transaction files. Is it your**
 23 **practice at Empire to generate a cover page for each of**
 24 **the transactions?**
 25 A Yes.

1 Q Like on this one. So going back to 68, how did
2 this first page get generated? Where does that come
3 from?
4 A This was generated via our old software
5 program.
6 Q Do you know who would have generated it?
7 A I could guess but I'm not going to do that
8 under oath.
9 Q Well, can you tell me who would -- was there
10 one person who was responsible for generating this cover
11 page for the Jammin Java-GERC account?
12 A Yes.
13 Q Okay. Who was that?
14 A Me.
15 Q So I take it you don't remember whether or not
16 you generated this particular cover page?
17 A I don't.
18 Q How about the package itself, who -- for the
19 Jammin Java file, GERC file who is responsible for
20 pulling that together?
21 A I am.
22 Q And typically how would you go about doing
23 that? How a bill becomes a law, a little bit. That's
24 what I'm looking for, for these packets.
25 A A transfer issuance or cancellation typically

1 Q And I take it your entire team has access to
2 that manual?
3 A Yes.
4 Q And do you and the other members of your team
5 typically follow that manual?
6 A Yes.
7 Q All right. So when you're putting together a
8 transaction file, what would be the process you would go
9 through to assemble the documents? What determines what
10 goes in here? I'm really asking generally at this point.
11 A Generally all of the documents pertaining to
12 these requests are included in this package.
13 Q When you say documents pertaining to the
14 request, does that include share certificates that are
15 sent to Empire or sent from Empire?
16 A Typically in a straightforward transfer
17 request, the canceled certificate that was submitted, the
18 original copy of that with a canceled stamp is kept with
19 the file and also a photocopy of the newly generated,
20 sent-out, I guess, certificates is also included in this
21 package.
22 Q I've also seen copies of shipping materials or
23 receipts. Do you include those?
24 A Yes.
25 Q Is it standard practice to retain evidence of

1 is requested.
2 Q And then what happens? It goes from there, I
3 take it?
4 A We would determine whether or not the paperwork
5 submitted in requesting the -- can we just call it a
6 transfer or issuance right now?
7 Q Sure.
8 A Is sufficient in order that Empire take action
9 to fulfill the request.
10 Q So you have a transfer action that Empire is
11 taking. What I'm getting at, then, is, is this
12 documenting that transfer action?
13 A Yes.
14 Q And do you have policies or procedures at
15 Empire that determine how this transaction file or
16 transfer package gets put together?
17 A Yes.
18 Q Is that in a manual somewhere written down?
19 A Yes.
20 Q Where is that?
21 A That is at Empire.
22 Q Is that electronic, is it hard copy, both?
23 A Both.
24 Q What is it called?
25 A Policies and Procedures Manual.

1 the shipment to Empire, the materials, like the label
2 you're looking at right now?
3 A Now, yes.
4 Q Okay. Was there a time period where that was
5 not standard practice?
6 A I don't recall.
7 Q And I'll tell you I've seen that in most of
8 these packets, so that is why I was asking. It wouldn't
9 be unusual for Empire employees or for you to retain
10 evidence of shipment?
11 A No, that would not be unusual.
12 Q How about correspondence related to the
13 transfer or to the action?
14 MR. DeSTEFANO: Would that be included in the
15 packet?
16 MR. HELMS: Thank you.
17 BY THE WITNESS:
18 A In most cases, yes.
19 BY MR. HELMS:
20 Q Are there times when you don't include
21 correspondence?
22 A Any written correspondence is typically
23 included in the transfer package.
24 Q Do your procedures determine which
25 correspondence is included in the package? Does it say

1 A That is -- currently with our new software that
2 is printed at the time that the certificate is run. At
3 this time I believe that that was an additional trip
4 through the printer for certificates.
5 Q But somebody at Empire puts that text there?
6 A Yes.
7 Q And at the time how did -- I'm going to use you
8 since you signed it. How did you determine whether or
9 not that label should be there?
10 A In looking at this paperwork I can't do more
11 than assume as to how I knew to put a legend on that
12 certificate.
13 Q Let me maybe ask it slightly differently. Is
14 that your decision or are you instructed by the issuer or
15 their counsel whether or not to put a label on there?
16 A We are instructed by the issuer or counsel.
17 Q So they tell you whether or not some of the
18 shares are restricted or unrestricted?
19 A Yes.
20 Q Do you have procedures that govern that process
21 at Empire?
22 A Yes.
23 Q Is that in your Policies and Procedures Manual?
24 A Yes.
25 Q Certificate No. 102 does not have a label up at

1 five-minute break or so at 1:11 p.m.
2 (A brief recess was taken.)
3 MR. HELMS: Let's go back on the record at
4 1:20 p.m.
5 BY MR. HELMS:
6 Q Patrick, during that break did you and I have
7 any conversations about your testimony today?
8 A No.
9 MR. HELMS: Let me show you the next document
10 here. I'm going to mark it JAMN 69.
11 (SEC Exhibit No. JAMN 69 was marked
12 for identification.)
13 BY MR. HELMS:
14 Q For the record, the first page of that document
15 is labeled Empire Stock Transfer, Global Electronic
16 Recovery Corp. Incremental Stock Split is there in the
17 heading. There are other things there. The record date
18 is 9/27/07, payment date is 10/22/07, and that's the
19 date-time stamp as well in the upper right-hand corner,
20 10/22/07. And, again, this is a packet of documents
21 somewhat comparable to the one we just looked at.
22 Patrick, do you recognize Exhibit 69?
23 A Yes.
24 Q What is that?
25 A It's a dividend split proof register for Global

1 the top, there is a blank space there. Does that mean it
2 was issued without a restricted legend?
3 A Yes.
4 Q All right. If you could flip from 101 through
5 143 and just look at the authorized signature line under
6 Empire Stock Transfer and just confirm that those all
7 appear to be your signatures?
8 A Yes.
9 Q They do?
10 A Yes.
11 Q All right. Then if we could go back to the
12 very first page, I'd like you to take a moment and just
13 read each name to yourself and see if you recognize any
14 of those individuals.
15 A Outside of the name David O'Neill, which we
16 discussed earlier, no.
17 Q Have you ever met with or communicated with any
18 of those individuals?
19 A I don't recall.
20 MR. HELMS: All right. I think we're finished
21 with that. This may be a good opportunity for a break.
22 Hopefully we can get going a little bit faster through
23 the remaining documents. I am hopeful I'm not going to
24 be asking so many particular questions about each one.
25 So let's go off the record for like a

1 Electronic Recovery Corp.
2 Q Is this another transaction file or transfer
3 package?
4 A Yes.
5 Q So is it fair to say that the documents behind
6 this cover page pertain to the split that happened on or
7 about October 2007?
8 A Yes.
9 Q Let me back up. Does it appear -- what does
10 incremental stock split mean here? What does it look
11 like happened in this action?
12 A A forward stock split.
13 Q What is a forward stock split?
14 A In a forward stock split there is a ratio by
15 which current shares held on a determined record date are
16 multiplied by that ratio. And at a payment date when you
17 multiply one times the other is the amount of shares that
18 you will be issued if you were an existing shareholder at
19 the record date.
20 Q At the top here there is a ratio 22.72383 for
21 one. Does that mean that they're roughly -- all the
22 existing shareholders of GERC at this time received
23 roughly 23 shares for every share that they held at this
24 time?
25 A Yes.

1 Q And the way that works is they actually get a
2 new certificate with the new shares; is that right?

3 A Not always.

4 Q Not always. Okay. Tell me how it works then.

5 A Split -- shares I guess obtained by a
6 shareholder pursuant to a split can either be delivered
7 in what we refer to as a dividend-style split in which a
8 new stock certificate is generated. Or, the existing
9 certificate inventory that is outstanding, despite
10 bearing the pre-split quantity of shares, on our books
11 and records as of the payment date automatically updates
12 that that share certificate now represents the post-split
13 quantity.

14 Q Can you tell what happened in this instance?

15 A It appears as though new certificates were
16 issued as a result of this split.

17 Q If we go back and look at Exhibit 67, which is
18 the control book, we looked at it earlier, the second
19 line there says 10/22/07 incremental split. Do you see
20 that?

21 A Yes.

22 Q So this transaction file we're looking at in
23 Exhibit 69, does that correspond then to the split that's
24 listed in the control book?

25 A Yes, it appears to.

1 Q Do you remember preparing this form?

2 A No.

3 Q Why is this form necessary? What is the
4 purpose of it?

5 A This form is submitted at the time to NASDAQ as
6 it is NASDAQ's role to inform the market of the corporate
7 action.

8 Q All right. In the middle of the page there is
9 a box there that is checked, Mail Certificates Directly
10 to Shareholder. Do you see that?

11 A Yes.

12 Q What does that mean?

13 A Well, that's the difference between what I
14 referred to earlier as a dividend-style split and a
15 payable-upon-surrender split, which is the scenario that
16 I described where the currently issued outstanding
17 certificates, while bearing the pre-split quantity of
18 shares, actually represent the post-split quantity of
19 shares within our system.

20 Q And here -- so the other option is
21 payable-upon-surrender certificates. Do you see that?

22 A Yes.

23 Q Does that mean the shareholders are sending in
24 the certificates or does counsel sometimes do that? Does
25 somebody aggregate them, in other words?

1 Q All right. Then if we look at Exhibit 66,
2 which is the transaction journal, on the second page
3 carrying over to the third and fourth page there is a
4 transaction date of 10/22/07 and it says I-N-C-R S-P-L-T.
5 Does that also correspond to this transaction file?

6 A Yes.

7 Q Do those entries correspond?

8 I'm not going to ask about each one, but to
9 just kind of match things up here.

10 All right. If you go to the third page in this
11 transaction file, there is a NASDAQ transfer agent
12 verification form there dated 10/10/07. Do you recognize
13 that document?

14 A Yes.

15 Q What is that?

16 A A transfer agent verification form submitted to
17 NASDAQ at the time regarding an incremental split.

18 Q Okay. Down in the bottom do you see your name
19 there?

20 A Yes.

21 Q Does that mean that you prepared this form?

22 A Not necessarily.

23 Q What are the other possibilities?

24 A That someone else in my office prepared the
25 form but I'm still the contact person.

1 A Payable-upon-surrender doesn't necessarily mean
2 that all of the shares are going to be surrendered.

3 Q Under Mail Certificates Directly to
4 Shareholders, there is a note that says, "Please provide
5 R/D 9/27/07 P/D." What is that notation there?

6 A R/D is record date, in this case September 27
7 of '07. And payment date of October 15 of 2007 is
8 requested.

9 Q Because it is carrying over there. 10/22/07,
10 is that what you're referring to?

11 MR. DeSTEFANO: No. His says 10/15.

12 MR. HELMS: No?

13 MR. DeSTEFANO: His says 10/15, ours says
14 10/22.

15 MR. HELMS: There are two copies of this form,
16 it looks like?

17 MR. DeSTEFANO: Okay.

18 BY MR. HELMS: So for the record I'm looking at
19 the first version of the form.

20 MR. DeSTEFANO: Now we're on the same page.

21 BY MR. HELMS:

22 Q Okay. If we look at the e-mail dated October
23 3, 2007, it's the first e-mail you'll see as you're
24 flipping. This e-mail appears to be from you to
25 dividends-market ops. Do you recognize this e-mail chain?

1 **Q** Is that also hard embossed or engraved like you
2 mentioned with the last certificate?

3 **A** It's slightly different but serves the same
4 purpose and functions identically.

5 **Q** What do you mean it's slightly different?

6 **A** The ink that they use, the roller that they
7 use. This is a different company that generates this
8 blank stock certificate inventory then De La Rue.

9 **Q** But does that -- which company is that?

10 **A** The company that we were using at this period
11 of time, what were they called? I don't remember the
12 name of that company, but they are in Las Vegas.

13 **Q** Do you remember anybody who worked at that
14 company?

15 **A** No.

16 **Q** Was that company or did that -- was that
17 company responsible for putting this number on the
18 certificate?

19 **A** Yes.

20 **Q** So that wasn't done by somebody at Empire?

21 **A** No.

22 **Q** To your knowledge has anybody at Empire ever
23 altered or changed the numbers on the certificates in the
24 lower left-hand corner?

25 **A** No.

1 split?

2 **A** In most cases that would be manually entered by
3 an Empire employee.

4 **Q** Based on what?

5 **A** Based on an instruction letter.

6 **Q** From the issuer and/or its counsel?

7 **A** From the presenting party.

8 **Q** Then the date, October 22, 2007?

9 **A** That would be automatically generated by the
10 software.

11 **Q** Going back to the FedEx label, it appears to
12 show all these certificates going to David O'Neill. Do
13 you remember any conversations with Mr. O'Neill about
14 shipping these share certificates to him?

15 **A** No.

16 **Q** Do you know what he did with these share
17 certificates when he got them?

18 **A** No.

19 **Q** Do you recall any shareholder contacting you
20 about a certificate in connection with this split?

21 **A** No.

22 **Q** Do you remember conversations with anybody
23 about GERC's split at this time?

24 **A** No.

25 **MR. HELMS:** Let's move to JAMN 70.

1 **Q** The other numbers are they similar -- the
2 certificate number, the share number, the owner of the
3 shares and the name, the date, is that all comparable to
4 the certificate we just looked at in terms of how it gets
5 on to the certificate? Was it a comparable process?

6 **A** No.

7 **Q** So what's different?

8 **A** StockTrack, our current software, which I
9 believe was used to generate this certificate, lays all
10 of the information, the specific information that took
11 several processes with the old software, in one shot.

12 **Q** So which are the fields, so to speak, that
13 Empire is providing?

14 **A** Could you clarify that.

15 **Q** Sure. Like the certificate number, does
16 somebody at Empire enter that somewhere in the system?

17 **A** That's automatically generated by our software.

18 **Q** Just the next number in the series for this
19 certificate; is that right?

20 **A** Correct.

21 **Q** The share number, how does that get in there?

22 **A** Well, in this case of a stock split that is
23 automatically generated by the software by calculating
24 the forward split ratio.

25 **Q** How about in other instances other than a

1 (SEC Exhibit No. JAMN 70 was marked
2 for identification.)

3 **BY MR. HELMS:**

4 **Q** This appears to be another transaction file
5 dated January 3, 2008, in the upper right-hand corner.
6 It is labeled Empire Stock Transfer, Global Electronic
7 Recovery Corp. Stock Transfer.

8 **Patrick, do you recognize Exhibit 70?**

9 **A** Yes.

10 **Q** What does that appear to be?

11 **A** The transfer package.

12 **Q** For what?

13 **A** For Global Electronic Recovery Corp.

14 **Q** And based on the cover page what does it appear
15 that this transaction -- what happened in this
16 transaction?

17 **A** 1,613,220 shares were transferred to Tyrone
18 Investments, Inc.

19 **Q** From the other shareholders that are listed on
20 that page?

21 **A** Yes.

22 **Q** And based on this cover page is it safe to
23 assume that what's going on here is that these
24 shareholders are returning their certificates, or
25 somebody is returning their certificates for then

1 consolidation and reissuance to Tyrone Investments?
 2 A Yes.
 3 Q Do you remember this action or transaction?
 4 A No.
 5 Q Do you remember putting together this file?
 6 A No.
 7 Q Do you recognize the name Tyrone Investments?
 8 A No.
 9 Q On the second page there is a letter dated
 10 December 27, 2007. Do you see that?
 11 A Yes.
 12 Q And it's addressed to you.
 13 Do you remember receiving this letter?
 14 A No.
 15 Q Do you have any reason to believe you did not
 16 receive it?
 17 A No.
 18 Q Do you recognize the name Beth Anne Gray?
 19 A No.
 20 Q How about Tristan Monk?
 21 A No.
 22 Q Do you recognize the name Tristan Will?
 23 A No.
 24 Q The names Rita Choudhry, Rob and Tor Anderson
 25 were on the list I've already shown you, but looking at

1 Q Yeah. Because Big Bear is a separate issuer,
 2 right?
 3 A Yes.
 4 Q Do you know if Tristan Monk was also involved
 5 in Big Bear?
 6 A No.
 7 Q How about Beth Anne Gray?
 8 A No.
 9 Q Is Big Bear Big Bear Mining, does that sound
 10 right?
 11 A Big Bear Mining rings a bell.
 12 Q Big Bear was another client of Empire; is that
 13 right?
 14 A Yes.
 15 Q And were you involved in Big Bear's file?
 16 A Yes.
 17 Q Do you remember any individuals outside of
 18 Empire that were involved in Big Bear?
 19 A No.
 20 Q Do you know if Shane Whittle was involved in
 21 Big Bear?
 22 A No.
 23 Q Do you recognize the name Shane Whittle?
 24 A It rings a bell.
 25 Q All right. At the end here is a certificate.

1 them here do you recognize those names?
 2 A No.
 3 Q Do you remember any conversations with anybody
 4 about this transaction?
 5 A No.
 6 Q If you go further into the document there is
 7 another shipment label. Before this one (indicating).
 8 So it's labeled Bill of Lading Number 7248044661. It
 9 says from Tristan Monk at Monk Investments, Inc. Do you
 10 see that?
 11 A Yes.
 12 Q And it's North Vancouver. Do you see that?
 13 A Yes.
 14 Q Do you recognize, again, Tristan Monk or Monk
 15 Investments?
 16 A No.
 17 Q On the next page there is another FedEx label.
 18 Again, it's from you dated January 3, 2008, to Gray &
 19 Co., Beth Anne Gray. Do you see that?
 20 A Yes.
 21 Q All right. It's a little confusing here
 22 because the reference says EST/Big Bear. Do you know why
 23 that's there?
 24 A I probably -- well, whoever did this screwed
 25 up.

1 Whose signature is that in the bottom left-hand corner?
 2 A That's mine.
 3 Q Do you remember signing this certificate?
 4 A No.
 5 Q Now, that number in the lower left-hand corner
 6 has changed a little bit again. What is that? Can you
 7 tell me why that is? It now says A -- there is an A in
 8 front of it and it's a different number format.
 9 A Could you be more specific. It changed --
 10 changed from what?
 11 Q Sure. Let's look at the last exhibit, which
 12 was Exhibit 69. We can use the last page for reference.
 13 So if you compare the two, do you see that?
 14 A Yes.
 15 Q Do you remember -- what's the reason for that?
 16 Why is it changing?
 17 A I don't recall.
 18 Q Do you know where A02381 came from?
 19 A Yes.
 20 Q Where?
 21 A The blank stock certificate printing company.
 22 Q Okay. So that was not generated by Empire?
 23 A No.
 24 MR. HELMS: I'm marking the next document
 25 JAMN 71.

1 (SEC Exhibit No. JAMN 71 was marked
2 for identification.)

3 BY MR. HELMS:

4 Q This is another transaction file for Global
5 Electronic Recovery Corp. dated January 11, 2008, in the
6 upper right-hand corner. Again, there are several
7 documents following a cover page, including
8 correspondence and share certificates and shipment
9 labels.

10 Patrick, do you recognize Exhibit 71?

11 A Yes.

12 Q What does that appear to be?

13 A A transfer package for shares of Global
14 Electronic Recovery Corp.

15 Q Based on this cover page what is going on with
16 this action or transaction?

17 A 1,596,615 shares are being transferred to Nemo
18 Development SA.

19 Q Do you recognize the name Nemo Development?

20 A No.

21 Q Do you know who controls that entity?

22 A No.

23 Q On the second page there is a letter there. If
24 you look at that, the address at the top, does that
25 refresh your recollection at all about who might have

1 A No. Whoever a letter is addressed to it
2 doesn't necessarily mean that that person would see the
3 letter.

4 Q So somebody at Empire, whoever was opening the
5 mail, would have seen it. Whoever was handling the file
6 would have handled it, seen it, but that doesn't
7 necessarily mean you personally saw it; is that correct?

8 A Yes.

9 Q All right. The next page I'm frankly not sure
10 what this document is. It says to Rolf Kessler at the
11 top. "The selling shareholders of Global Electronic
12 Recovery Corp. have provided an indemnity to the transfer
13 agent to effect the transfer of the shares and no power
14 of attorney is required." And it says from you. Do you
15 recognize this document?

16 A No.

17 Q Do you know what it is?

18 A No.

19 Q You don't remember drafting this or sending it?

20 A No. And the format doesn't seem to be normal.

21 Q Well, what's an indemnity? What does that mean
22 to you?

23 A An indemnity -- an indemnity can only be
24 provided by the issuer. And an indemnity to us holds
25 Empire harmless for any lost liability or expense

1 controlled Nemo Development?

2 A No.

3 Q Do you recognize the name Rolf Kessler at the
4 bottom?

5 A No.

6 Q Have you ever met him?

7 A No.

8 Q Have you ever -- have you ever corresponded
9 with him -- have you ever e-mailed with him?

10 A I don't know.

11 Q Clarion Finance, do you see that? It is kind
12 of in the middle of the letter.

13 A Yes.

14 Q Do you recognize that entity?

15 A No.

16 Q Do you remember this letter? Do you remember
17 receiving it?

18 A No.

19 Q Do you have any reason to believe you did not
20 receive this letter?

21 A No.

22 Q When a letter -- at this time when a letter is
23 addressed to your attention like this one does that mean
24 you would have seen it, do you think, or was there some
25 other practice in place?

1 incurred as the result of transferring shares.

2 Q Does Empire require or get an indemnity with
3 respect to every share transfer?

4 A No.

5 Q When does Empire require or get an indemnity?

6 A When there is no Medallion Signature Guarantee
7 stamp on the back of the stock certificate or a stock
8 power.

9 Q Do you need both the medallion signature as
10 well as the power of attorney or will one or the other
11 do?

12 A A medallion stamp is the only thing that we
13 need.

14 Q What is a medallion stamp?

15 A A medallion stamp is -- STAMP is a program that
16 financial institutions, brokerages, clearing houses,
17 banks, especially banks, take part in to verify the
18 identity of the individual signing the back of a stock
19 certificate or a separate stock power as being the
20 authorized individual to negotiate the shares represented
21 by that stock certificate.

22 Q What's a power of attorney?

23 A Power of attorney is a document that grants a
24 third party the authority to act on an individual or
25 entity's behalf.

1 Q I'm not sure I understood the previous
2 response, so forgive me if I'm treading ground again. If
3 you had a power of attorney on a certificate but no
4 medallion stamp, would you require an indemnity then?
5 A Yes.
6 Q Okay. But if you have a medallion stamp and no
7 power of attorney -- or would you always have a power of
8 attorney with a medallion stamp?
9 A We would not always have a power of attorney
10 with a medallion stamp.
11 Q So if you had a medallion stamp and no power of
12 attorney, would you need indemnity at that point?
13 A No.
14 Q All right. The rules for indemnity at Empire,
15 are those captured somewhere? Is that in your manual?
16 A Yes.
17 Q All right. I might come back to that indemnity
18 concept later but for right now we'll table that.
19 So after that statement, that document, there
20 are a series of canceled share certificates. Do these
21 appear to be the certificates that were returned?
22 A Yes.
23 Q If we go to the FedEx label, after the
24 International Airbill, so the next one, the one that's
25 from you to Clarion Finance AG, do you see that?

1 that we had in our system.
2 Q The certificate at the end here to Nemo
3 Development, is that your signature at the bottom?
4 A Yes.
5 MR. HELMS: Let's turn to a document I'm
6 marking now as JAMN 72.
7 (SEC Exhibit No. JAMN 72 was marked
8 for identification.)
9 BY MR. HELMS:
10 Q This appears to be a transaction file dated
11 January 17, 2008, for Global Electronic Recovery Corp.
12 Patrick, do you recognize Exhibit 72?
13 A Yes.
14 Q What is it?
15 A It's a transfer package regarding transfer of
16 shares of Global Electronic Recovery Corp.
17 Q It appears to be a transfer from Tyrone
18 Investments to Rush & Co., do you see that?
19 A Yes.
20 Q And that's R-u-s-h & Co.
21 A Yes.
22 Q Do you recognize Rush & Co.? What is that?
23 A Rush & Co. is a nominee name for Swiss American
24 Securities.
25 Q And what does that mean?

1 A Yes.
2 Q In Zurich. And, again, the reference says
3 BOGA/Big Bear. Was that another oversight?
4 A Not necessarily, no. It is possible that
5 Clarion Finance AG submitted more than one transfer
6 request at a time and that other transfer request was for
7 Big Bear.
8 This could also be the case. Now that I see
9 this twice, it's seemingly not a coincidence. The Big
10 Bear transfer could have been completed first, and
11 whoever was processing either that transfer or this
12 transfer knew that they were going back to the same
13 place, so in order to save money on shipping we used the
14 same envelope to send them both back to the same place.
15 But since the shipping label had already been generated
16 by FedEx, we simply made a copy of the existing shipping
17 label and put it into the package to memorialize that
18 this transfer request was also shipped via the same -- or
19 via this label.
20 Q Okay. What does BOGA mean?
21 A I do not recall what BOGA means. That -- oh,
22 yes I do. Bill the other guy's account.
23 Q Which is different from EST?
24 A Yeah. EST is Empire Stock Transfer. So they
25 would have provided us with a FedEx number at some point

1 A A nominee name is -- that's the name in which
2 Swiss American holds shares on behalf of their account
3 holding clients.
4 Q So is it fair to say Tyrone is putting its
5 shares into a nominee name here under Swiss American?
6 A It appears that way.
7 Q Why would they do that? Do you know?
8 MR. DeSTEFANO: In this case or generally?
9 BY MR. HELMS:
10 Q Well, yeah. I'm saying is this unusual to you.
11 I imagine it's not, but if it is I would want to know
12 that.
13 A No.
14 Q So what's going on here? Typically why is this
15 happening?
16 A They're depositing the shares to their
17 brokerage account.
18 Q Because I take it you don't remember this
19 transaction in particular, right?
20 A No.
21 Q But, again, why would Tyrone deposit it with
22 their broker? Why do that?
23 A Several reasons.
24 Q Okay. What are the possibilities?
25 A Safekeeping, to sell. Those are mostly the

1 A It just does. There is nothing -- it's a
 2 unique name.
 3 Q Do you know who she worked with?
 4 A No.
 5 Q How about Lang Michener, do you recognize that
 6 firm?
 7 A No.
 8 Q Do you know anybody else who works at Lang
 9 Michener or who worked at Lang Michener?
 10 A I don't know.
 11 Q Have you ever heard of Bill McDonald?
 12 A Yes.
 13 Q Who is he?
 14 A He is a lawyer.
 15 Q Where is he located?
 16 A He's in Canada.
 17 Q Did he have any involvement with Jammin Java or
 18 its predecessor entities?
 19 A I have no idea.
 20 Q How do you know that name?
 21 A He's counsel to at least one of our issuers.
 22 Or he was.
 23 Q At least one meaning several or meaning you
 24 only know one, you think it's just --
 25 A I've had correspondence with Bill McDonald.

1 Q Have you ever spoken with him personally?
 2 A Yes.
 3 Q On how many occasions?
 4 A Once.
 5 Q When was that conversation?
 6 A I don't recall.
 7 Q Can you bookend it, last year, last couple of
 8 years?
 9 A Five years ago.
 10 Q Do you remember what the two of you discussed?
 11 A No.
 12 Q Do you remember which company or client it
 13 concerned?
 14 A No.
 15 Q Was anybody else participating in the
 16 conversation?
 17 A Yes.
 18 Q Who was that?
 19 A I don't recall the name.
 20 Q Was it just one other person?
 21 A I think so, yes.
 22 Q And you don't remember the name?
 23 A No.
 24 MR. HELMS: Let's move to the next document,
 25 which I'm marking JAMN 74.

1 (SEC Exhibit No. JAMN 74 was marked
 2 for identification.)
 3 BY MR. HELMS:
 4 Q We're going back to the transaction files.
 5 This one is labeled February 20, 2008. Again for Global
 6 Electronic Recovery Corp. Patrick, do you recognize this
 7 document?
 8 A Yes.
 9 Q What is it?
 10 A This is a transfer package for the transfer of
 11 shares of Global Electronic Recovery Corp.
 12 Q Involving the VP Bank Switzerland?
 13 A Yes.
 14 Q Do you recall this particular action or
 15 transaction?
 16 A No.
 17 Q Do you remember putting this packet together?
 18 A No.
 19 Q You know, one question I forgot to ask about
 20 these transaction files or transfer packages. Are they
 21 maintained in any way at Empire? Any regular way?
 22 A Yes.
 23 Q How?
 24 A They are physically stored, and we also do a
 25 daily scan of all of these packages. Beginning several

1 years ago is when the daily scan came into play.
 2 Q So there is an actual paper file and a related
 3 electronic file?
 4 A Yes.
 5 Q Are there differences between the two?
 6 A Yes.
 7 Q Why are there differences between the two?
 8 A Well, the difference is that the paper file is
 9 stored organized specific to a company's transactions in
 10 chronological. The electronic copy of the documents is
 11 stored on a daily basis and could involve -- it does
 12 involve every transfer from every issuer that we did on
 13 that day.
 14 Q Okay. Is there any difference, though, between
 15 the paper file that's maintained at Empire and the
 16 scanned version of that file?
 17 A No.
 18 Q Those should be identical?
 19 A Yes.
 20 Q When you produce documents in response to an
 21 SEC subpoena, where do you pull from, the electronic
 22 file, the paper file or both?
 23 A More often the paper file, but both.
 24 Q Do you remember pulling documents in response
 25 to our subpoenas in this matter?

1 A Yes.
 2 Q According to you, you mail to Daniel Lacher and
 3 Jurg Bammert dated January 15, you have some problems
 4 with the certificates Global Recovery Corp. Do you see
 5 that?
 6 A Yes.
 7 Q Below that he says -- first, do you recognize
 8 the name Andre Roth? Does that ring a bell?
 9 A No.
 10 Q How about this Jurg?
 11 A No.
 12 Q He says, We get 68,000 shares Global Electronic
 13 Recovery Corp. This are old shares. Also we get
 14 1,542,220 shares Global Electronic Recovery Corp. new
 15 shares. Cert number 149, 151, 154, 164, 166, 177, close
 16 parens. From the same client.
 17 Do you remember learning from VP Bank that they
 18 had received several different share certificates that
 19 were held in multiple different names from one client or
 20 from the same client?
 21 A No.
 22 Q Does that ring a bell to you at all?
 23 A No.
 24 Q If you flip through all the canceled share
 25 certificates, then there is another shipping label. If

1 Q And on the last page is that your signature in
 2 the lower left-hand corner?
 3 A Yes.
 4 MR. HELMS: Let me mark the next one JAMN 75.
 5 (SEC Exhibit No. JAMN 75 was marked
 6 for identification.)
 7 BY MR. HELMS:
 8 Q Patrick, do you recognize Exhibit 75?
 9 A Yes.
 10 Q What is it?
 11 A Transfer package for shares of Global
 12 Electronic Recovery Corp.
 13 Q Do you recall this action or transfer?
 14 A No.
 15 Q Do you recognize Brown Brothers?
 16 A Yes.
 17 Q What is Brown Bothers? What do they do?
 18 A Many things.
 19 Q What does it appear that their role is here
 20 based on this file? You can feel free to look through
 21 it.
 22 A They're the presenter of this transfer request.
 23 Q Is it fair to say the shares -- they are acting
 24 or serving as custodian for these shares?
 25 A I don't know.

1 you get to the certified resolutions page. Go all the
 2 way past the certificates. One more page. It is
 3 entitled Certified Resolutions Adopted by Board of
 4 Directors of Global Electronic Recovery Corp. Do you see
 5 that?
 6 A Yes.
 7 Q Do you remember seeing this board resolution?
 8 A No.
 9 Q Do you know who drafted this?
 10 A No.
 11 Q In the middle here it says, "Be it resolved
 12 that Empire Stock Transfer," and I'm skipping a little,
 13 "is directed to process transfer request regarding the
 14 certificate below." And there is a "See Schedule A" at
 15 the top of the resolution. I didn't see a certificate
 16 specifically identified, and I was wondering if you
 17 remembered anything about that?
 18 A No.
 19 Q All right. Then there is a shipping label,
 20 second-to-last page, from you to VP Bank. The reference
 21 is BOGA/GLBEL 227.
 22 A Okay.
 23 Q Does that indicate that you or somebody on your
 24 staff sent VP Bank GERC certificate 227?
 25 A Yes.

1 Q If we go past the canceled share certificates,
 2 there is a letter dated February 28, 2008, from Brown
 3 Brothers to you which doesn't appear to be on Brown
 4 Brothers letterhead. Do you recognize this document?
 5 A This is a similar format that Brown Brothers
 6 uses of a cover letter for transfer requests.
 7 Q Did you prepare this document?
 8 A No.
 9 Q Did somebody in your staff prepare this
 10 document?
 11 A No.
 12 Q It says, "Please note that stock powers have
 13 been waived via company's corporate resolution." Do you
 14 know what that means?
 15 A Yes.
 16 Q What does it mean?
 17 A That is an indication that Brown Brothers is
 18 under the impression that the necessity for stock powers
 19 has been waived via a corporate resolution.
 20 Q Why would they need to tell you that? What
 21 effect does that have?
 22 A None.
 23 Q None at all?
 24 A No.
 25 Q Does it affect whether or not you can issue

1 how it was produced to us. But let me describe what is
2 in front of you. There is a cover, what appears to be a
3 cover letter saying it was sent by e-mail dated March 4,
4 2008, to your attention from, again, Jan Urata. It is
5 Bates labeled SEC-EMPIRESTOCK-05936 through 05950.

6 Do you recognize the cover letter here?

7 A No.

8 Q Do you remember any conversations related to a
9 name change of GERC?

10 A No.

11 MR. HELMS: Let's look at the next document I'm
12 marking as JAMN 77.

13 (SEC Exhibit No. JAMN 77 was marked
14 for identification.)

15 BY MR. HELMS:

16 Q It's a transaction file from Marley Coffee,
17 Inc., dated March 17, 2008. Do you recognize that
18 document?

19 A Yes.

20 Q What is it?

21 A A transfer package regarding transfer of shares
22 of Marley Coffee, Inc.

23 Q Again, this is a share transfer from several
24 different shareholders into the name of VP Bank. Do you
25 see that?

1 MR. HELMS: The next document I'm marking is
2 JAMN 78.

3 (SEC Exhibit No. JAMN 78 was marked
4 for identification.)

5 BY MR. HELMS:

6 Q This is a transaction file for Jammin Java
7 Corp. dated January 6, 2010. Do you recognize Exhibit
8 78?

9 A Yes.

10 Q What is that?

11 A Transfer package regarding transfer of Jammin
12 Java Corp. shares.

13 Q Here it appears to be a transfer between --
14 from Rush & Co., which we saw earlier, to Hare & Co. Who
15 is Hare & Co.?

16 A Hare & Co. is the nominee name for BNY.

17 Q And do you remember this particular transaction
18 or transfer?

19 A No.

20 Q Why would shares go from Rush & Co. to Hare &
21 Co.? what would be the reason for that?

22 A Numerous.

23 Q What were the most likely?

24 A I would have to look to see if this company had
25 DTC eligibility at the time.

1 A Yes.

2 Q Does this refresh your recollection about what
3 or who VP Bank is?

4 A No.

5 Q Do you recall this transaction or action?

6 A No.

7 Q Do you recognize any of the names of the
8 transferring shareholders?

9 A No.

10 Q If you go a couple pages in, again we're seeing
11 an e-mail from Daniel Lacher. Does that refresh your
12 recollection about any conversations you might have had
13 with Daniel Lacher related to Jammin Java or its
14 predecessor entities?

15 A No.

16 Q Okay. The second-to-last page is a FedEx
17 label. And, again, it's from you or somebody on your
18 staff to VP Bank. The reference line is MARL 229. Do
19 you see that?

20 A Yes.

21 Q So, again, does that indicate that what is
22 being sent is certificate number 229, Marley Coffee?

23 A Yes.

24 Q That last page, is that your signature there?

25 A Yes.

1 Q Why would that matter?

2 We're getting into complicated TA world stuff?

3 A Yeah.

4 The Depository Trust Company holds shares in
5 their nominee name, Cede & Co., on behalf of the various
6 participating clearing agencies in a stock. Clearing
7 agencies hold shares on behalf of their individual
8 brokerage account holders. That's what DTC does.

9 Q Okay. Let's go to the stock or bond power
10 after the canceled certificate. Do you see that? So
11 there is a Rush & Co. certificate number 225, and on the
12 next page, it's hard to read, it appears to say
13 irrevocable stock or bond power. Do you see that?

14 A Yes.

15 Q First, do you know if that is the back of the
16 certificate, does it appear to be that, or is it some
17 separate document?

18 A This appears to be a separate doc.

19 Q The signature guarantee at the bottom there,
20 I'll represent to you, because the copy is kind of bad
21 based on what we received, but it says Vermont Capital.
22 Do you recognize the entity Vermont Capital?

23 A I've heard the name.

24 Q What are they?

25 A I don't know.

1 Q Where have you heard the name?
 2 A Potentially doing -- at Empire.
 3 Q You don't know what they do?
 4 A No.
 5 Q Do you know anybody who maintained an account
 6 at Verdmont Capital?
 7 A I don't.
 8 Q Have you ever maintained an account at Verdmont
 9 Capital?
 10 A I don't think so.
 11 Q You don't think so?
 12 A No.
 13 Q I mean, they're Panamanian. They're a
 14 Panamanian entity. So do you remember one way or the
 15 other whether you had an account?
 16 A I've not maintained an account at any
 17 Panamanian entity, so I guess that leads me to I've not
 18 had an account at Verdmont Capital.
 19 Q All right. The last page is a share
 20 certificate. There is a signature in the lower left-hand
 21 corner. Do you see that?
 22 A Yes.
 23 Q Whose signature is that?
 24 A I believe that to be Brian Barthlow's
 25 signature.

1 Q Up to now you've signed a lot of the ones we've
 2 looked at. Do you know why Brian would have signed this
 3 one? Do you remember any particular reason?
 4 A No.
 5 MR. HELMS: Let's maybe get through one more
 6 and we can take a break.
 7 I'm going to mark in JAMN 79.
 8 (SEC Exhibit No. JAMN 79 was marked
 9 for identification.)
 10 BY MR. HELMS:
 11 Q This is a transaction file from Hare & Co. to
 12 Cede & Co., and that is dated January 21, 2010, for
 13 Jammin Java. Do you recognize Exhibit 79, Patrick?
 14 A Yes.
 15 Q What does that appear to be?
 16 A A transfer package for Jammin Java Corp.
 17 shares.
 18 Q It's a transfer from Hare & Co., which we just
 19 saw, to Cede & Co. Is this -- so what's going on with
 20 this? First of all, do you remember this specific
 21 transfer?
 22 A No.
 23 Q What does it appear to reflect?
 24 A The transfer of shares from BNY Mellon's
 25 nominee name, Hare & Co., into the Depository Trust

1 Company's nominee name, Cede & Co.
 2 Q And that's putting them into street name; is
 3 that right?
 4 A Yes.
 5 Q And why might you do that? Why might a
 6 shareholder do that, typically?
 7 A The shareholder wouldn't do this.
 8 Q Why might the shares be placed in DTC? Is
 9 there any benefit to doing that for the shareholder?
 10 A Not directly for the shareholder, no.
 11 Q Does it make it easier to trade the shares when
 12 they're in DTC?
 13 A Not necessarily.
 14 Q Okay. So you might need to educate me again.
 15 I mean, I thought when shares were in certificate form
 16 they're harder to trade and transfer than when they're in
 17 DTC. But you can tell me why I'm wrong.
 18 A Well, they are. But as a shareholder if your
 19 shares are already in nominee name at BNY Mellon and you
 20 sell them, BNY Mellon is going to deal with all of the
 21 back end.
 22 So the question I believe that you asked was as
 23 a shareholder wanting to do that. It doesn't make a
 24 difference.
 25 Q So you're saying once they are already at Hare

1 & Co. or Rush & Co. then there is sort of marginal
 2 utility at that point to putting them into Cede & Co.?
 3 A For an individual shareholder, yes. For BNY
 4 Mellon and Brown Brothers, it certainly makes their
 5 clearing of stock sold, bought, deposited, et cetera,
 6 faster if DTC is settling the account balances nightly
 7 via journal rather than transfer of paper certificates
 8 between Hare & Co. and Rush & Co.
 9 Q Okay. That was very helpful. Thank you.
 10 After the canceled stock certificate here, No.
 11 244, is another revocable stock bond power. Do you see
 12 that?
 13 A Yes.
 14 Q Does this appear to be the back of the actual
 15 share certificate or is this a stand-alone document?
 16 A This appears to be a stand-alone document.
 17 Q Okay. And in the bottom of this stock power is
 18 a medallion guarantee. Do you see that?
 19 A Yes.
 20 Q And is this an example of a medallion guarantee
 21 on the actual stock power you were talking about earlier,
 22 that this is guaranteeing Hare & Co.'s transfer?
 23 A Yes.
 24 Q All right. On the last page. Again, the
 25 signature in the bottom left-hand corner, do you

1 recognize that?

2 A I believe that to be Brian Barthlow's
3 signature.

4 MR. HELMS: All right. As I mentioned, I think
5 it's probably a good time for a brief break.

6 We are off the record at 2:57.

7 (A brief recess was taken.)

8 MR. HELMS: All right. We are back on the
9 record at 3:29 p.m.

10 BY MR. HELMS:

11 Q Patrick, during that break did we have any
12 conversations, substantive conversations about your
13 testimony today?

14 A No.

15 MR. HELMS: Let's continue with documents. I'm
16 going to show you a document I'm marking JAMN 80.

17 (SEC Exhibit No. JAMN 80 was marked
18 for identification.)

19 BY MR. HELMS:

20 Q This is a two-page letter dated February 10,
21 2010, from Jammin Java Corp. to FINRA Bates labeled
22 BCSC-E-0000229 through 230. In that letter the signature
23 block is in the name of Shane Whittle, President.
24 Patrick, do you recognize Exhibit 80?

25 A No.

1 (SEC Exhibit No. JAMN 81 was marked
2 for identification.)

3 BY MR. HELMS:

4 Q This is another two-page letter on Jammin Java
5 Corp. letterhead from Shane Whittle to Empire Stock
6 Transfer, attention Patrick Mokros. It is a blank date,
7 February, with a blank, 2010. So it appears to be a
8 draft letter, to me at least, based on the fact there is
9 some information missing here.

10 Do you remember, Patrick, receiving any letters
11 similar in content or format to Exhibit 81?

12 A No.

13 Q Do you remember any conversations about a
14 letter, a draft letter regarding Jammin Java's forward
15 stock split around February 2010?

16 A No.

17 Q At the bottom of that page it says, "Please
18 issue new share certificates and FedEx them to Jammin
19 Java Corp. care of Andrew King." Then it has an address
20 in Vancouver there. Do you remember any conversations
21 about sending Jammin Java share certificate to Andrew
22 King?

23 A No.

24 Q Do you remember whether or not share
25 certificates were sent to Andrew King?

1 Q Does seeing Shane Whittle's name at the end of
2 it refresh your recollection about any involvement Shane
3 Whittle might have had with Jammin Java?

4 A No.

5 Q The first sentence there Shane writes to FINRA,
6 "We write to advise that our company intends to complete
7 a forward stock split on a three new shares for one old
8 share basis." Do you see that?

9 A Yes.

10 Q Then on down No. 7 on the second page says,
11 "The forward split is being paid by the issuance of new
12 share certificates which will be mailed to the
13 shareholders of our company."

14 Do you remember Jammin Java having a stock
15 split around the time of February 2010, another stock
16 split?

17 A No.

18 Q And do you remember sending the share
19 certificates out in relation to a stock split in 2010?

20 A No.

21 Q Do you remember any conversations with anybody
22 about a stock split in February 2010 or thereabouts?

23 A No.

24 MR. HELMS: Let me show you a document I'm
25 marking JAMN 81.

1 A No.

2 MR. HELMS: Next document I'm going to show you
3 I'm marking JAMN 82.

4 (SEC Exhibit No. JAMN 82 was marked
5 for identification.)

6 BY MR. HELMS:

7 Q It's a transaction file, and the date isn't
8 clear on the cover page. But it says Empire Stock
9 Transfer, Jammin Java Corp. at the top of the first page,
10 Incremental Stock Split After Dividend/Split Proof
11 Register. Then behind that cover page are a series of
12 new share certificates and shipment labels and other
13 forms of documents.

14 If we could go back -- before we proceed with
15 Exhibit 82, let's go back to the control book, which is
16 67. If you look on Exhibit 67 about ten lines down or so
17 there is a line for February 26, 2010, incremental stock
18 split. Do you see that? Or incremental split.

19 A Yes.

20 Q Does that indicate a stock split took place on
21 or about that date?

22 A Yes.

23 Q All right. If we look at the transaction
24 journal, which is Exhibit 66, Page 5 of 17, at the bottom
25 of that page there is a transaction date for several line

1 items that carries over to the next page. For February
 2 26, 2010, I-N-C-R S-P-L-T. Do you see that?
 3 A I'm sorry. Did you say transaction 6012?
 4 Q So it starts on 6012. Do you see that?
 5 A Yes.
 6 Q Does it appear to you that that -- those
 7 entries for February 26, 2010, that start there, does
 8 that correspond to the control book split we were just
 9 looking at on February 26, 2010?
 10 A Yes.
 11 Q And then let's now go back to Exhibit 82. Does
 12 Exhibit 82 appear to be the transaction file that then
 13 relates to that stock split?
 14 A Yes.
 15 Q All right. Thank you.
 16 Okay. On the first page here there are a
 17 couple of names I'm not sure we've talked about before.
 18 Cat Brokerage AG. Do you see that?
 19 A Yes.
 20 Q What is that?
 21 A I don't know.
 22 Q Have you ever seen that name before?
 23 A I don't recall.
 24 Q Have you ever held an account at Cat Brokerage?
 25 A No.

1 A Yeah.
 2 Q So he moved with them?
 3 A Yes.
 4 Q Does that appear to be his signature?
 5 A I haven't seen his signature in too long to
 6 verify that.
 7 Q Okay. If we go, then, to the FedEx labels on
 8 the following pages, there is one there from Patrick
 9 Mokros to Andrew King. Do you see that?
 10 A Yes.
 11 Q At SK Capital. Again, do you recognize SK
 12 Capital?
 13 A No.
 14 Q Does it appear that this is the FedEx label
 15 that was used to send out all the certificates that
 16 follow it?
 17 A No.
 18 Q No? Why not?
 19 A One certificate was sent to DTC.
 20 Q Which one was that?
 21 A No. 278.
 22 Q How is it you're able to determine that?
 23 A There is another FedEx label in this package.
 24 Q And it's going to Cede & Co. Is that right?
 25 A Yes.

1 Q Do you know anybody else who has ever held an
 2 account at Cat Brokerage?
 3 A No.
 4 Q If you could scan through all of the names on
 5 the first page, as well as the second page, and just tell
 6 me if you recognize any of those names.
 7 A Cede & Co. That's it.
 8 Q All right. If you look at the FINRA transfer
 9 agent verification form, then look at the end of that
 10 form and there is a signature there for a Thomas Strutz,
 11 do you see that? The end of the form. Turn one more
 12 page.
 13 A I'm sorry.
 14 Q That's fine.
 15 A Yes.
 16 Q Who is Thomas Strutz?
 17 A A former employee.
 18 Q Former employee of Empire?
 19 A Yes.
 20 Q When did he separate from Empire?
 21 A Approximately four years ago.
 22 Q What were the circumstances surrounding his
 23 separation?
 24 A His whole family moved to Phoenix.
 25 Q Is that all?

1 Q But the rest of the certificates were sent to
 2 Andrew King; is that right?
 3 A It appears so.
 4 Q Do you remember any conversations about sending
 5 share certificates to Andrew King?
 6 A No.
 7 Q Do you know what Andrew King did with those
 8 certificates?
 9 A No.
 10 Q Do you know if Andrew King sent those
 11 certificates to any other person?
 12 A No.
 13 Q Do you know if Andrew King sent those
 14 certificates to the shareholders of record?
 15 A No.
 16 Q Certificate No. 246, the first one, do you
 17 recognize the signature at the bottom left-hand corner
 18 there?
 19 A No.
 20 Q It seems to me that it matches up with Thomas
 21 Strutz from the one we saw earlier. But you don't
 22 remember what that signature looks like?
 23 A Correct.
 24 Q Let me ask you this: Does it appear to be any
 25 member of your existing staff?

1 A No.
 2 Q All right. Let me show you a document
 3 previously marked JAMN 4B, which is Bates labeled
 4 BCSC-0000073. It is an e-mail from Andrew King to
 5 Patrick dated December 16, 2010, copying
 6 anh@jamminjava.com and also info@jamminjava.com.
 7 Patrick, do you recognize Exhibit 4B?
 8 A No.
 9 Q Okay. Do you recall any circumstances
 10 surrounding this communication or the transaction
 11 described in this communication?
 12 A No.
 13 Q Okay. Again, do you have any reason to believe
 14 you did not receive this e-mail?
 15 A No.
 16 MR. HELMS: Let's look at a document I'm
 17 marking JAMN 85.
 18 (SEC Exhibit No. JAMN 85 was marked
 19 for identification.)
 20 BY MR. HELMS:
 21 Q It is a very similar e-mail from Shane Whittle
 22 to Patrick Mokros and Brian Barthlow copying
 23 anh@jamminjava.com dated December 16, 2010, and Bates
 24 labeled SEC-EMPIRESTOCK-09617. All right. Do you
 25 recognize this document?

1 A No.
 2 Q Do you remember receiving it?
 3 A No.
 4 Q Do you have any reason to believe you did not
 5 receive this e-mail?
 6 A No.
 7 Q Again, do you recall the circumstances
 8 surrounding the transfer that's discussed in the e-mail?
 9 A No.
 10 Q All right. Do you remember Andrew King and
 11 Shane Whittle both sending a message about returning
 12 shares to Treasury on the same day?
 13 A No.
 14 Q Then if we can look at 4B and 85 together, do
 15 you see there that the address in both is very similar?
 16 1917 West 4th Avenue, Vancouver BC, slightly different
 17 suite numbers, do you see that?
 18 A Yes.
 19 Q Do you remember any conversations or
 20 discussions or other communications about the similarity
 21 in those addresses?
 22 A No.
 23 Q Do you recognize either of those addresses?
 24 A No.
 25 MR. HELMS: Let's move on to Exhibit 86.

1 (SEC Exhibit No. JAMN 86 was marked
 2 for identification.)
 3 BY MR. HELMS:
 4 Q This is an Empire Stock Transfer transaction
 5 file for Jammin Java Corp. dated March 1, 2011. Behind
 6 that cover sheet there are a series of documents
 7 associated with the transaction, certificates, shipment
 8 labels and other types of documents. Have you had the
 9 opportunity to review Exhibit 86?
 10 A Yes.
 11 Q What is it?
 12 A Transfer package regarding transfer of shares
 13 of Jammin Java Corp.
 14 Q Based on that cover page what does it appear
 15 transpired in this particular action or transfer?
 16 A The transfer of three million shares to
 17 Renavial Limited and 1,333,052 shares to Timotei
 18 Overseas, Inc.
 19 Q That's from James Philip Scott?
 20 A Yes.
 21 Q Do you recognize any of those names?
 22 A No.
 23 Q Do you remember anything about this
 24 transaction?
 25 A No.

1 Q So if we go to the first letter here dated
 2 January 14, 2011, from a Jan Berger, do you see that?
 3 A Yes.
 4 Q To Empire Stock Transfer?
 5 A Yes.
 6 Q Do you recognize the name Jan Berger?
 7 A No.
 8 Q The letter says, "These shares were purchased
 9 some time ago from Mr. Scott, a shareholder, by me and a
 10 business partner." Do you see that?
 11 A Yes.
 12 Q Do you know who that business partner is or
 13 was?
 14 A No.
 15 Q Again, down further we see Daniel Lacher again
 16 under Renavial. Do you see that?
 17 A Yes.
 18 Q Does that refresh your recollection about any
 19 conversation you might have had with Daniel Lacher
 20 regarding Jammin Java stock?
 21 A No.
 22 Q And then on down we see Beth Anne Gray again.
 23 Do you see that --
 24 A Yes.
 25 Q -- under Timotei?

1 MR. HELMS: Let's look at the next document,
2 which I'm marking JAMN 88.
3 (SEC Exhibit No. JAMN 88 was marked
4 for identification.)
5 BY MR. HELMS:
6 Q This is a transaction file dated March 4, 2011,
7 for Jammin Java Corp. Let me know when you're finished
8 looking this over.
9 A Okay.
10 Q Do you recognize Exhibit 88?
11 A Yes.
12 Q What is it?
13 A It's a transfer package for the transfer of
14 Jammin Java Corp. stock.
15 Q What transfer appears to be taking place based
16 on this document?
17 A 3,156,698 shares transferred to Rahelia
18 International, Inc.
19 Q Do you recognize any of the names on this cover
20 page, the shareholders?
21 A No.
22 Q Do you recognize the name Rahelia
23 International?
24 A No.
25 Q Do you know who is the beneficial owner of

1 Q Is it an exemption, do you know?
2 A I would have to look at the actual text of Reg
3 S to answer that confidently.
4 Q All right. There is Beth Anne Gray again. Do
5 you see that?
6 A Yes.
7 Q Does that refresh your recollection on any
8 conversations or communications with Beth Anne Gray
9 regarding Jammin Java stock?
10 A No.
11 Q On the next page is another e-mail from Brian
12 Barthlow dated March 3, 2011, to info@jamminjava.com. It
13 says, "Attached you will find a transfer that we have
14 received. We require indemnity from the company prior to
15 transfer."
16 Is this comparable to the e-mail we discussed
17 earlier about the need for an indemnity? Does it mean
18 the same thing to you here?
19 A Yes.
20 Q On the next page is a certified resolution from
21 Jammin Java Corp. Do you see that?
22 A Yes.
23 Q Signed by Ahn Tran?
24 A Yes.
25 Q Do you remember receiving this resolution?

1 Rahelia International?
2 A No.
3 Q The next page is a letter March 2, 2011,
4 addressed to you from Donald Finkler. Do you recognize
5 this letter?
6 A No.
7 Q Do you know Donald Finkler?
8 A No.
9 Q Do you remember any conversations related to
10 the transfer discussed in this letter?
11 A No.
12 Q Do you remember any correspondence related to
13 this transfer?
14 A No.
15 Q He talks about an investment club. Do you know
16 what that means?
17 A No.
18 Q Do you have any understanding of what
19 investment club he's referring to specifically?
20 A No.
21 Q Do you know what Reg S is?
22 A Yes.
23 Q What is Reg S?
24 A Reg S -- in our world Reg S is a certain legend
25 that goes on shares issued to non-US persons.

1 A No.
2 Q Do you remember talking about this resolution?
3 A No.
4 Q Does this appear to be an indemnity permitting
5 the transfer by Empire from -- permitting Empire to
6 transfer stock from the noted shareholders to Rahelia?
7 A Yes.
8 Q The FedEx label, if you flip a couple pages,
9 from a Donald Finkler. It is a little hard to make out.
10 Do you see the sender's name is Donald Finkler? Do you
11 see that?
12 A Yes.
13 Q And then it says -- again, it's a little tough
14 to make out -- 6565 Sunset in Los Angeles, California.
15 Do you see that?
16 A Yes.
17 Q Do you recognize that address?
18 A No.
19 Q Do you know if Mr. Finkler is a false name?
20 A No.
21 Q Do you know if Mr. Finkler was sending shares
22 on behalf of anybody else?
23 A No.
24 Q Okay. If you flip past the canceled share
25 certificates, you get to another FedEx label addressed to

1 Beth Anne Gray and it references JAMM 303. Do you see
2 that?
3 A Yes.
4 Q Based on your read of this file does that
5 indicate that certificate number 303 for Jammin Java
6 Corp. was sent to Beth Anne Gray from Empire?
7 A Yes.
8 Q And if we look at the stock certificate for
9 303, do you recognize the signature in the lower
10 left-hand corner?
11 A I believe that to be Brian Barthlow's
12 signature.
13 Q You know, I don't know if I've asked this yet.
14 For the stock certificates that are here, all the
15 canceled ones --
16 MR. DeSTEFANO: Asked and answered. Just
17 joking.
18 BY MR. HELMS:
19 Q Why isn't this -- why haven't I seen the back
20 of these certificates? Do you know why?
21 A It's a limitation of the scanner.
22 Q Okay. If I went into the paper file could I
23 see the back of these certificates?
24 A Yes.
25 Q Those paper files are maintained in your

1 offices; is that right?
2 A Yes. We could also scan the back of them to
3 you.
4 Q Okay. All right.
5 A The earlier question you asked when we got a
6 document request what the procedure is on scanning that.
7 That's scanning that paper file. But if you need any
8 specific backs of certificates, no problem.
9 Q Okay.
10 MR. HELMS: Let's look at JAMN 89.
11 (SEC Exhibit No. JAMN 89 was marked
12 for identification.)
13 BY MR. HELMS:
14 Q This is a transaction file for Jammin Java
15 Corp. dated March 14, 2011. Again, the cover page
16 reflects a stock transfer, and then there are a series of
17 supporting documents behind that, including canceled
18 share certificates, shipping labels, correspondence and
19 other documents. All right. Do you recognize Exhibit
20 89?
21 A Yes.
22 Q And what is that?
23 A Transfer package for Jammin Java Corp.
24 Q And is it fair to say this transaction file
25 reflects a transfer from the shareholders listed on the

1 left beginning with Sean Sullivan to Calgon Invest?
2 A Yes.
3 Q And do you recognize any of the shareholders
4 identified on this cover page?
5 A No.
6 Q Have you ever heard of Calgon Invest?
7 A No.
8 Q Do you know the beneficial owner of Calgon
9 Invest?
10 A No.
11 Q All right. On the next page there is a
12 certified resolution similar in format to ones we've
13 looked at before. What does this appear to be to you?
14 A An indemnity resolution.
15 Q Received from the company?
16 A Yes.
17 Q Going back to the cover page. Do you remember
18 this transaction?
19 A No.
20 Q If we be flip past all the certificates,
21 canceled certificates, to the FedEx labels, the first
22 FedEx label from a Peter Schiff at Calgon Invest in
23 Vancouver BC. Do you see that?
24 A Yes.
25 Q Do you recognize the name Peter Schiff?

1 A No.
2 Q Do you know if Peter Schiff is associated with
3 Calgon Invest in any way?
4 A No.
5 Q Do you know if Peter Schiff is a real person?
6 A No.
7 Q All right. Do you recognize the address from
8 which -- the sender's address?
9 A No.
10 Q All right. On the next page is another FedEx
11 label from you or somebody at Empire to Andrew Golding at
12 Bateman Financial. The reference is JAMM 306. Do you
13 see that?
14 A Yes.
15 Q Does this indicate to you that JAMM 306 --
16 certificate No. 306 was sent to Andrew Golding at Bateman
17 Financial?
18 A Yes.
19 Q Do you recognize the name Andrew Golding?
20 A No.
21 Q Have you ever spoken with Andrew Golding?
22 A I don't think so.
23 Q Do you know what he does?
24 A No.
25 Q Do you recognize the name Bateman Financial?

1 A No.

2 Q On the share certificate numbered 306 there is

3 a signature in the lower left-hand corner. Is that Brian

4 Barthlow's signature again?

5 A I believe so.

6 Q Same -- strike that.

7 MR. HELMS: All right. Let me show you the

8 next document I'm marking, JAMN 90.

9 (SEC Exhibit No. JAMN 90 was marked

10 for identification.)

11 BY MR. HELMS:

12 Q This is a Jammin Java Corp. transaction file

13 dated March 23, 2011. Do you recognize Exhibit 90?

14 A Yes.

15 Q What is that?

16 A A transfer package regarding the transfer of

17 Jammin Java Corp. stock.

18 Q This indicates a transfer from Renavial to

19 FAST-Cede & Co. What does that mean? What is that going

20 on?

21 A That is DTC's nominee name for shares that they

22 hold in book entry.

23 Q Do you remember this particular transfer or

24 action?

25 A No.

1 A Yes.

2 Q What is it?

3 A A transfer package regarding a transfer of

4 shares of Jammin Java Corp.

5 Q Do you recognize any of the shareholders listed

6 here?

7 A No.

8 Q Do you recognize the name Las Colinas?

9 A No.

10 Q Do you know the beneficial owner of Las

11 Colinas?

12 A No.

13 Q Do you know anybody associated with Las

14 Colinas?

15 A No.

16 Q Do you remember this transaction?

17 A No.

18 Q Do you remember any conversations about why

19 James Philip Scott is transferring shares to another

20 entity?

21 A No.

22 Q All right. On the third page there is a letter

23 from Las Colinas, Ltd., to Empire Stock Transfer. Do you

24 see that?

25 A Yes.

1 Q Do you remember any conversations about it?

2 A No.

3 Q If we flip to the irrevocable stock or bond

4 power, several pages in, in the lower left-hand corner it

5 is spelled out, but that's VP Bank's signature guaranteed

6 stamp, do you see that? Verwaltungs-und Privat-Bank.

7 A Yes.

8 Q V-e-r-w-a-l-t-u-n-g-s dash U-n-d, new word,

9 Privat dash B-a-n-k.

10 Do you recall if VP Bank had any relationship

11 with Renavial?

12 A No.

13 Q On the right is a signature for a Peter

14 Berlinger. Do you recognize that name?

15 A No.

16 Q Do you recognize the name Rene Berlinger?

17 A No.

18 MR. HELMS: Let me show you a document I'm

19 marking JAMN 91.

20 (SEC Exhibit No. JAMN 91 was marked

21 for identification.)

22 BY MR. HELMS:

23 Q This is a transaction file. An Empire Stock

24 Transfer transaction file for Jammin Java Corp. dated

25 March 25, 2011. Do you recognize Exhibit 91?

1 Q At the bottom there is the signature Rene

2 Berlinger?

3 A Yes.

4 Q Do you recognize the name Rene Berlinger?

5 A No.

6 Q There is -- on the lower right-hand side there

7 is a reference to VP Bank and Daniel Lacher again. Do

8 you see that?

9 A Yes.

10 Q Does this refresh your recollection about any

11 conversations with VP Bank or Daniel Lacher about Jammin

12 Java stock?

13 A No.

14 Q On the -- two pages later is another FedEx

15 label from a Grevio AG with an address Trade E-s-t, St.

16 Saviour, Jersey, United Kingdom. Which is similar to the

17 address we saw for Jan Berger earlier. Do you recognize

18 that Grevio AG?

19 A No.

20 Q Do you know anybody who used the address Trade

21 Est, St. Saviour, Jersey?

22 A No.

23 Q Have you ever visited Jersey in the United

24 Kingdom?

25 A No.

1 Q All right. If we flip another couple pages in
2 there is another certified resolution signed by Ahn Tran.
3 Do you see that?
4 A Yes.
5 Q Does this appear to be an indemnity for the
6 share transfer?
7 A Yes.
8 Q Okay. The second-to-last page of this package
9 is a FedEx label from you, or somebody at Empire, to
10 Daniel Lacher. Do you see that?
11 A Yes.
12 Q The reference is JAMM 307. What does that
13 reference mean to you?
14 A That certificate 307 was shipped via that FedEx
15 label.
16 Q The certificate number 307 on the last page in
17 this packet, do you recognize that signature?
18 A I believe that to be Rigo Portaro's signature.
19 MR. HELMS: Let's look at a document I'm
20 marking JAMN 92.
21 (SEC Exhibit No. JAMN 92 was marked
22 for identification.)
23 BY MR. HELMS:
24 Q That is a Jammin Java Corp. transaction file
25 dated March 28, 2011. Do you recognize this document?

1 A Yes.
2 Q What is it?
3 A A transfer package regarding the transfer of
4 Jammin Java Corp. stock.
5 Q And that transfer is from Calgon Invest to
6 Brown Brothers, correct?
7 A Yes.
8 Q And does that refresh your recollection about
9 any conversation you might have had or correspondence you
10 might have had regarding Calgon Invest?
11 A No.
12 Q Do you recall this transaction or action?
13 A No.
14 Q If we flip through, after the canceled stock
15 certificate there is a corporate resolution.
16 A Okay.
17 Q And there is a Rene Berlinger identified at the
18 top of that, signature is at the bottom. Do you see
19 that?
20 A Yes.
21 Q Does this refresh your recollection about any
22 interaction you might have had with Rene Berlinger?
23 A No.
24 Q Do you know if Rene Berlinger was operating on
25 behalf of anybody else?

1 A No.
2 Q Do you know whether or not Rene Berlinger was
3 the beneficial, the true beneficial owner of Calgon
4 Invest stock?
5 A No.
6 Q On the next page there is another revocable
7 stock or bond power, again Rene Berlinger. Do you see
8 that?
9 A Yes.
10 Q And, again, same question. Does that refresh
11 your recollection at all about any interaction with Rene
12 Berlinger?
13 A No.
14 Q All right. And the second-to-last page is a
15 FedEx label reflecting a shipment from you to a William
16 Pinamonti at Brown Brothers, reference number is JAMM
17 308. Does that FedEx label suggest to you that Jammin
18 Java Corp. certificate No. 308 was sent to Brown Brothers
19 on or about March 28, 2011?
20 A Yes.
21 Q Do you recognize the name William Pinamonti?
22 A Yes.
23 Q Who is that?
24 A Nearly all transfer requests that we receive
25 from Brown Bothers Harriman come from William Pinamonti.

1 He's in their trade processing department there.
2 Q Have you ever had any phone calls with William?
3 A Yes.
4 Q Do you recall any conversations with him about
5 Jammin Java stock?
6 A No.
7 Q Have you ever exchanged anything of value
8 personally with William?
9 A No.
10 Q On the last page there is a signature on the
11 lower left-hand corner of certificate No. 308. Do you
12 see that?
13 A Yes.
14 Q Whose signature is that?
15 A I believe that to be Rigo Portaro's signature.
16 MR. HELMS: Not too many more.
17 Let's look at JAMN 93.
18 (SEC Exhibit No. JAMN 93 was marked
19 for identification.)
20 BY MR. HELMS:
21 Q This is a transaction file dated April 1, 2011.
22 Do you recognize this document?
23 A Yes.
24 Q What is it?
25 A A transfer package regarding the transfer of

1 shares of Jammin Java Corp.

2 Q Does it reflect a transfer from Las Colinas to
3 FAST-Cede & Co.?

4 A Yes.

5 Q All right. If you go several pages in, there
6 is a fax dated March 31, 2011. It is handwritten -- the
7 cover page is handwritten from Ahn Tran to Empire Stock
8 Transfer. Do you see that?

9 A Yes.

10 Q Do you remember receiving this document, this
11 fax?

12 A No.

13 Q Do you remember any conversations with Ahn Tran
14 about an indemnity related to this transfer?

15 A No.

16 Q Going back to the cover page, do you remember
17 anything about this transaction or action?

18 A No.

19 Q Now, sorry to flip you back and forth, but
20 after the first page there are two certified resolutions.
21 The first reflects a transfer from Prospera Capital to
22 DGM Bank and Trust. Do you see that?

23 A Yes.

24 Q Does this appear to be an indemnity for Empire
25 Stock Transfer?

1 dealings you might have had with Rene Berlinger?

2 A No.

3 Q Same question about the next page, the
4 revocable stock or bond power signed by Rene Berlinger.
5 Does that refresh your recollection at all?

6 A No.

7 Q Okay. And on the next page is a letter from
8 Las Colinas, Ltd. Do you see that?

9 A Yes.

10 Q All right. Do you remember ever seeing this
11 letter?

12 A No.

13 Q All right. If you could go back a couple
14 exhibits to No. 91. And kind of hold your place in this
15 exhibit. So about three pages in is a letter from Las
16 Colinas on Exhibit 91. Do you see that?

17 A Yes.

18 Q And then in our current exhibit, Exhibit No.
19 93, we're just looking at another letter from Las
20 Colinas, Ltd. Do you see that?

21 A Yes.

22 Q Do you notice that the letterhead is kind of
23 different there?

24 A Yes.

25 Q Do you remember any conversations with anybody

1 A Yes.

2 Q And do you recognize Prospera Capital?

3 A No.

4 Q How about DGM Bank and Trust?

5 A No.

6 Q How about Bob Banfield?

7 A No.

8 Q How about Andrew Godfried?

9 A No.

10 Q How about Brian Dewitt?

11 A No.

12 Q How about Legacy Global Markets?

13 A No.

14 Q All right. On the next page is a resolution
15 reflecting a transfer from Las Colinas to SIS
16 SegInterSettle AG. Does that appear to be an indemnity?

17 A Yes.

18 Q All right. If you go a couple more pages to
19 another corporate resolution for sole proprietorships.
20 Do you see that? It's not spelled quite right, but it's
21 an affidavit there?

22 A Yes.

23 Q Do you see the name Rene Berlinger again?

24 A Yes.

25 Q Does that refresh your recollection about any

1 about that difference?

2 A No.

3 MR. HELMS: Let me show you a document I'm
4 marking JAMN 94.

5 (SEC Exhibit No. JAMN 94 was marked
6 for identification.)

7 BY MR. HELMS:

8 Q JAMN 94 is a Jammin Java Corp. transaction file
9 date stamped April 20, 2011. Do you recognize Exhibit
10 94?

11 A Yes.

12 Q What is it?

13 A A transfer package regarding transfer of shares
14 of Jammin Java Corp.

15 Q What is the transfer at issue here?

16 A 3,321,336 shares transferred to Petersham
17 Enterprises, Ltd.

18 Q Do you recognize the entity Petersham
19 Enterprises?

20 A No.

21 Q All right. If you flip several pages in you'll
22 see a letter from Petersham Enterprises dated March 22,
23 2011, a Kenneth Sanders. Do you see that?

24 A Yes.

25 Q Do you recognize the name Kenneth Sanders?

1 A No.
 2 Q And you see Andrew Golding at Bateman
 3 Financial. Does this refresh your recollection about any
 4 conversations you might have had with Andrew Golding?
 5 A No.
 6 Q Does this refresh your recollection about who
 7 Andrew Golding is or what he was doing here?
 8 A No.
 9 Q How about Bateman Financial, does it refresh
 10 your recollection about any interaction you might have
 11 had with them?
 12 A No.
 13 Q Do you remember any conversations about the
 14 fact that Jammin Java stock was being held both at --
 15 that Jammin Java stock in the name of both Petersham and
 16 Calgon Invest was being held at Bateman Financial? Do
 17 you remember anything like that?
 18 A No.
 19 Q If we flip a couple more pages the first FedEx
 20 label, it says from Petersham to Empire Stock Transfer
 21 dated March 22, 2011. Do you see that?
 22 A Yes.
 23 Q Do you see the address for Petersham, Trade
 24 Est, St. Saviour, Jersey, United Kingdom? Do you see
 25 that?

1 BY MR. HELMS:
 2 Q That's an Empire Stock Transfer transaction
 3 file or transfer package for Jammin Java Corp. file
 4 stamped May 3, 2011. Do you recognize Exhibit 95?
 5 A Yes.
 6 Q What does it appear to be?
 7 A Transfer package regarding transfer of shares
 8 of Jammin Java Corp.
 9 Q That's from Rahelia to FAST?
 10 A Yes.
 11 Q Do you remember any conversations about this
 12 transaction?
 13 A No.
 14 MR. HELMS: Let me show you a document I'm
 15 marking JAMN 96.
 16 (SEC Exhibit No. JAMN 96 was marked
 17 for identification.)
 18 BY MR. HELMS:
 19 Q That is a transaction file dated May 5, 2011.
 20 Do you recognize Exhibit 96?
 21 A Yes.
 22 Q What is it?
 23 A Transfer package regarding transfer of shares
 24 of Jammin Java Corp.
 25 Q That's from Petersham Enterprises to FAST; is

1 A Yes.
 2 Q Do you know who used the address in Jersey,
 3 United Kingdom, that we keep seeing?
 4 A No.
 5 Q If you flip a couple of pages to the rejected
 6 transfer -- actually, I'll skip the question on that.
 7 If we go to the back there is another FedEx
 8 label second-to-last page from Empire Stock Transfer to
 9 Andrew Golding at Bateman. The reference is JAMM 314.
 10 Do you see that?
 11 A Yes.
 12 Q Does that indicate that Empire Stock Transfer,
 13 somebody at Empire Stock Transfer sent Andrew Golding at
 14 Bateman Jammin Java's certificate 314?
 15 A Yes.
 16 Q And the signature on that certificate, do you
 17 recognize that, certificate number 314?
 18 A I believe that to be Rigo Portaro's signature.
 19 MR. HELMS: For some of these I don't know if
 20 I'm going to ask you too many questions, I just want to
 21 see if you recognize the document.
 22 I'm going to show you a document I'm marking
 23 JAMN 95.
 24 (SEC Exhibit No. JAMN 95 was marked
 25 for identification.)

1 that right?
 2 A Yes.
 3 Q Do you recall this transfer or action?
 4 A No.
 5 Q If you go probably halfway through the packet
 6 there is an irrevocable stock or bond power there. The
 7 first one is dated April 25, 2011. So it is right after
 8 the canceled certificate No. 314.
 9 A Okay.
 10 Q Does this appear to be the back of the
 11 certificate here?
 12 A No.
 13 Q Do you see the name Stephen Wheatley underneath
 14 Petersham Enterprises?
 15 A Yes.
 16 Q Similarly on the next page there are another
 17 couple references to Stephen Wheatley. Do you see that?
 18 A Yes.
 19 Q Do you recognize that name?
 20 A No.
 21 Q Have you ever dealt -- have you ever interacted
 22 with Stephen Wheatley?
 23 A I don't think so.
 24 Q Have you ever spoken with him?
 25 A I don't believe so.

1 Q Do you know if Mr. Wheatley was operating on
2 behalf of anybody else?
3 A No.
4 MR. HELMS: Let's me show you a document I'm
5 marking JAMN 97.
6 (SEC Exhibit No. JAMN 97 was marked
7 for identification.)
8 BY MR. HELMS:
9 Q This is a transaction file dated May 13, 2011,
10 for Jammin Java Corp. Do you recognize Exhibit 97?
11 A Yes.
12 Q What is it?
13 A A transfer package regarding the transfer of
14 shares of Jammin Java Corp.
15 Q What transfer does it reflect?
16 A Shares transferred from Shaun Sullivan to
17 Westpark, Ltd.
18 Q Do you recognize the name Shaun Sullivan?
19 A No.
20 Q Do you recognize the name Westpark, Ltd.?
21 A No.
22 Q Do you know who the true beneficial owner is of
23 Westpark, Ltd?
24 A No.
25 Q Do you know anybody associated with Westpark,

1 A Yes.
2 Q Then after that I think this is actually the
3 back of the certificate; is that right?
4 A It appears to be, yes.
5 Q That's blank, right?
6 A Yes.
7 Q There is no endorsement; is that right?
8 A Yes.
9 Q So Empire would need -- in this instance Empire
10 would need an indemnity in order to transfer the stock;
11 is that right?
12 A Yes.
13 Q If we could back up a couple. There is an
14 e-mail on May 12, 2011, from a Christine House. I'm
15 not sure we've talked about her yet. Who is Christine
16 House?
17 A A former Empire employee.
18 Q When did she leave?
19 A I'd have to look.
20 Q What were the circumstances of her departure?
21 A She and her husband moved to Los Angeles.
22 Q Okay. If we could flip to the first FedEx
23 label, it's an International Airbill from a Dov Glick.
24 Do you see that?
25 A Yes.

1 Ltd?
2 A No.
3 Q If you look at the next page there is a letter
4 there from Westpark, Ltd, dated May 10, 2011, from a Duv
5 Glick. Do you see that?
6 A Yes.
7 Q Do you know -- do you recognize the name Duv
8 Glick?
9 A No.
10 Q Do you know if he had any relationship with
11 Westpark, Ltd?
12 A No.
13 Q Do you know the relationship between Westpark,
14 Ltd, and VP Bank?
15 A No.
16 Q Do you know the relationship between Westpark,
17 Ltd, and Daniel Lacher?
18 A No.
19 Q Do you know who drafted this letter?
20 A No.
21 Q Did you or anybody else at Empire to your
22 knowledge provide the text to be used in this letter?
23 A No.
24 Q So if we can flip to the cancelled certificate
25 that is number 140, a couple pages in. Do you see that?

1 Q Do you see how it's spelled D-o-v now, Glick?
2 Do you see that?
3 A Yes.
4 Q Do you remember having any conversations about
5 whether or not Duv Glick is a real person?
6 A No.
7 Q Do you know whether or not Duv Glick is a real
8 person?
9 A No.
10 Q Do you recognize the address being used to ship
11 in Pemberton, British Columbia?
12 A No.
13 Q On the next page is another FedEx label from
14 Empire Stock Transfer to VP Bank with reference JAMM 317.
15 Do you have see that?
16 A Yes.
17 Q Does that indicate to you that Empire Stock
18 Transfer shipped certificate number 317 on or about May
19 13, 2011?
20 A Yes.
21 Q Then the final page is a share certificate, and
22 to the best of your knowledge is that Brian Barthlow's
23 signature in the lower left-hand corner?
24 A Yes.
25 MR. HELMS: I'm going to show you Exhibit 98.

1 (SEC Exhibit No. JAMN 98 was marked
2 for identification.)
3 BY MR. HELMS:
4 **Q This is a Jammin Java Corp. transaction file,**
5 **May 27, 2011. Do you recognize Exhibit 98?**
6 A Yes.
7 **Q What is that?**
8 A Transfer package regarding the transfer of
9 shares of Jammin Java Corp. from Westpark, Ltd, to
10 FAST-Cede & Co.
11 **Q Do you remember anything about this transfer or**
12 **action?**
13 A No.
14 **Q Do you remember any conversations related to**
15 **Westpark, Ltd?**
16 A No.
17 **Q All right. If we go in several pages there is**
18 **an irrevocable stock or bond power with Cede & Co. at the**
19 **top?**
20 A Yes.
21 **Q At the bottom, again, there is Rene Berlinger.**
22 **Do you see that?**
23 A Yes.
24 **Q Does that refresh your recollection about any**
25 **interaction you might have had with Mr. Berlinger?**

1 language is all cut off, which is unusual.
2 **Q All right.**
3 A So, I'm sorry, could you repeat the latest
4 question.
5 **Q Well, do you have any reason to believe you did**
6 **not send this e-mail?**
7 A Other than seeing that cut off, no.
8 **Q Okay. Have you ever become aware of anyone**
9 **sending out e-mails under your name that were**
10 **unauthorized?**
11 A No.
12 **Q And have you ever become aware of any**
13 **alteration of e-mails sent or received by you?**
14 A I don't know.
15 **Q You don't know? I'm not asking whether or not**
16 **they were actually altered or destroyed, I'm asking**
17 **whether or not you are personally aware of any alteration**
18 **or any change in e-mails?**
19 A No.
20 **Q All right. But down here, again, I want to**
21 **come back to Straight Path Capital care of Raymond Hall.**
22 **Do you see that?**
23 A Yes.
24 **Q It says, "Have the shares to be issued to**
25 **Straight Path Capital for Jammin Java in connection with**

1 A No.
2 **Q Do you know if Mr. Berlinger was acting on**
3 **behalf of anybody else with respect to this transfer?**
4 A No.
5 **Q All right. The next page is an affidavit for**
6 **Rene Berlinger dated May 20, 2011. Do you see that?**
7 A Yes.
8 **Q Same question. Does that refresh your**
9 **recollection at all?**
10 A No.
11 **Q Let me show you a document previously marked**
12 **JAMN 43. It is a one-page e-mail from you to John**
13 **Gillies dated June 9, 2011. The Bates number is**
14 **JAMNLOEV001023. Do you recognize this e-mail?**
15 A No.
16 **Q Do you remember sending it?**
17 A No.
18 **Q Do you have any reason to believe you did not**
19 **send it?**
20 A No.
21 **Q At the bottom there is a reference to a share**
22 **transfer to Straight Path Capital care of Raymond Hall.**
23 **Do you see that?**
24 A Well, back to the previous question. The only
25 thing that is odd about this is my confidentiality notice

1 the instructions I sent on Tuesday been issued and sent
2 out yet? If they haven't been sent out, can you please
3 change the address where they should be sent to." And
4 they provide an address for Straight Path Capital care of
5 Raymond Hall in Zurich, Switzerland, two phone numbers.
6 Do you remember any conversations about Straight Path
7 Capital?
8 A No.
9 **Q Have you ever had any -- do you recall any**
10 **other correspondence about Straight Path Capital?**
11 A No.
12 **Q Have you ever had any conversations with**
13 **Raymond Hall?**
14 A No.
15 **Q Do you know if Raymond Hall is a real person?**
16 A No.
17 **Q Do you know if Raymond Hall is a pseudonym used**
18 **by somebody else?**
19 A No.
20 **Q Are you familiar with your company's website?**
21 A Yes.
22 **Q Who's responsible for the content on that**
23 **website? Responsibility may be the wrong word. Who**
24 **handles that website? Who puts content up there, I**
25 **should say?**

1 **Q Do you know Wayne Weaver?**
2 A No.
3 **Q No? You don't recognize that name at all?**
4 A No.
5 **Q Have you ever met him or spoke with him?**
6 A I don't recall.
7 **Q Do you know of any entity controlled by Wayne**
8 **Weaver?**
9 A No.
10 **Q Do you have any -- in connection with your**
11 **responsibilities at Empire do you have any role in the**
12 **beneficial ownership reporting process in terms of**
13 **providing information to issuers upon request, that sort**
14 **of thing? Does that --**
15 A Such as?
16 **Q So, for example, when an issuer is trying to**
17 **figure out who owns their stock do they ever come to you**
18 **or Empire to figure out ownership percentages?**
19 A Yes.
20 **Q Do you remember if Jammin Java, anybody at**
21 **Jammin Java ever did that?**
22 A No.
23 **Q All right. I'm going to ask a series of**
24 **questions that we ask all witnesses. Did you speak with**
25 **anyone other than your lawyer regarding this**

1 thing I note is even though you've testified, even though
2 you've produced documents, please continue to retain and
3 preserve any documents that are in your possession,
4 including any that are subject to normal destruction
5 processes. I'd ask you to just make sure that those are
6 suspended. There may come a point in time when I need
7 those documents and might come back and ask you for them.
8 If that becomes an issue, I'll talk with David.
9 All right. I have no further questions at this
10 time. It's possible I might call you to testify at a
11 later date. I don't anticipate that at this moment, but
12 it's possible so I like to let you know. If that happens
13 again, I'll reach out to your lawyer.
14 David, do you wish to clarify -- do you have
15 any questions for the witness?
16 MR. DeSTEFANO: No.
17 Patrick, anything?
18 THE WITNESS: No.
19 MR. DeSTEFANO: No.
20 MR. HELMS: Patrick, do you wish to clarify or
21 add anything to the testimony you've given here today?
22 THE WITNESS: No.
23 MR. HELMS: All right. Before I go off the
24 record I should say thank you very much for coming out
25 here, making the trip and spending a day with us in sunny

1 investigation?
2 A No.
3 **Q Did you speak with anyone other than your**
4 **lawyer concerning your appearance here today?**
5 A No.
6 **Q Did you have any conversations with anybody**
7 **other than your lawyer about what you might say or not**
8 **say?**
9 A No.
10 **Q Have you received a summary of anybody else's**
11 **testimony or interview in this matter?**
12 A No.
13 **Q Do you know of anyone else who has received a**
14 **request for documents or a request to testify in this**
15 **matter?**
16 A No.
17 **Q Have you had any conversation with anybody else**
18 **about what documents they might or might not produce in**
19 **this matter?**
20 A No.
21 **Q Have you had any conversations with anybody**
22 **else about what they might say or not say in this matter?**
23 A No.
24 MR. HELMS: I think we very thoroughly went
25 through a bunch of questions about documents. The one

1 Chicago, especially with the lovely weather we've been
2 having.
3 With that, we are off the record at 5:24 p.m.
4 on February 12, 2015.
5 Thank you, Madam Court Reporter.
6 (Whereupon, at 5:24 p.m., the examination was
7 concluded.)

8 * * * * *

PROOFREADER'S CERTIFICATE

In the Matter of: JAMMIN JAVA CORP.

Witness: Patrick R. Mokros

File Number: C-07826-A

Date: Thursday, February 12, 2015

Location: Chicago, Illinois 60604

This is to certify that I, Donna S. Raya,
(the undersigned), do hereby swear and affirm that the
attached proceedings before the U.S. Securities and
Exchange Commission were held according to the record and
that this is the original, complete, true and accurate
transcript that has been compared to the reporting or
recording accomplished at the hearing.

(Proofreader's Name) (Date)